

NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

REPORT TO THE 2016 SESSION of the 2015 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL, 2016

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TRANSMITTAL LETTER

April 14, 2016

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TO THE MEMBERS OF THE 2016 REGULAR SESSION
OF THE 2015 GENERAL ASSEMBLY

The **JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY**, respectfully submits the following report to the 2016 Regular Session of the 2015 General Assembly.

Sen. Shirley Randleman (Co-Chair)

Rep. James Boles (Co-Chair)

Rep. Patricia Hurley (Co-Chair)

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COMMITTEE PROCEEDINGS

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The Committee on Joint Legislative Oversight Committee on Justice and Public Safety met four times after the 2015 Regular Session.

Informational materials and resources for each committee meeting are posted online at the [Committee's website](#). Detailed minutes and information from each Committee meeting are available in the Legislative Library.

Provided below is a brief summary of the Committee's proceedings.

January 14, 2016

The Committee met on January 14, 2016. The chairs made appointments to the Joint Study of Justice and Public Safety and Behavioral Health and also created the following subcommittees:

- Indigent Defense Services (IDS) Fees
- Future of IDS/Innocence Commission
- Probation/Parole Vehicles
- Body-worn Cameras

The Committee then heard the following presentations:

Department of Public Safety Implementation of Budget Items and Reorganization

Kristine Leggett, Fiscal Research Division

*Frank Perry, Secretary
Department of Public Safety*

Samarkand Training Academy Update

John Poteat, Fiscal Research Division

*Richard Jordan, Director
Department of Public Safety*

Expanding DNA on Arrest to All Felonies

Susan Sitze, Research Division

*Amanda Thompson, Forensic Scientist Manager
NC State Crime Laboratory*

*Nels Roseland, CFO
Department of Justice*

February 11, 2016

The Committee met on February 11, 2016, and heard the following presentations:

Crime Lab Annual Report

John Byrd, Director

North Carolina State Crime Laboratory

State of North Carolina's Public Safety Preparedness

B.W. Collier, Director

State Bureau of Investigation

Correctional Officer Pay Plan Implementation

Lanier McRee, Fiscal Research Division

George Solomon, Director

DPS Division of Adult Correction and Juvenile Justice — Prisons

Prison Mental Health Update

John Poteat, Fiscal Research Division

Dr. Gary Junker, Director of Behavioral Health

Dr. Karen Steinour, Health Services Compliance Director

DPS Division of Adult Correction and Juvenile Justice — Prisons

March 10, 2016

The Committee met on March 10, 2016. The Committee received reports from several subcommittees and adopted recommendations from those subcommittees. The Committee then heard the following presentations:

Gang Report – Adult Correction and Juvenile Justice

Chris Rich, Criminal Analyst, Special Operations and Intelligence

Department of Public Safety, Division of Adult Correction and Juvenile Justice

Steve Jones, Psychologist, Foothills Correctional Institution

Department of Public Safety, Division of Adult Correction and Juvenile Justice

Gang Report – Center for Safer Schools

Kym Martin, Executive Director

Department of Public Safety, NC Center for Safer Schools

Gang Report – State and Local Law Enforcement

J.P. Guarino, GangNet Administrator

Department of Public Safety, NC State Highway Patrol

Sergeant Zeb Stroup

Department of Public Safety, NC State Highway Patrol

Michelle Guarino, Supervisor

Chapel Hill Police Department, Crisis Unit and Youth and Community Services

Director of Program Development, Gang Free NC

Internet Crimes Against Children (ICAC)

Alan Flora, Special Agent in Charge

NC State Bureau of Investigation, Computer Crimes Unit

HERO Grants

Michael Gagner, Assistant Director

Department of Public Safety, Governor's Crime Commission

April 14, 2016

The Committee met on April 14, 2016. The Committee heard a report from the subcommittee on body-worn cameras and adopted the subcommittee's recommendations. The Committee adopted this report. The Committee also heard the following presentations:

FINDINGS AND RECOMMENDATIONS

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The Committee makes the recommendations and legislative proposals listed below to the 2016 Regular Session of the 2015 General Assembly.

LEGISLATIVE PROPOSALS: (See Appendix C)

1. AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES AND CERTAIN JUDICIAL DISTRICTS, TO DEVELOP AND IMPLEMENT A PILOT PROJECT TO ESTABLISH A UNIFORM FEE SCHEDULE FOR THE PAYMENT OF ATTORNEY FEES FOR REPRESENTATION OF INDIGENT PERSONS THAT PROVIDES THE FUNDS NECESSARY TO COVER THE COST OF LEGAL REPRESENTATION FOR INDIGENT PERSONS IN THE JUDICIAL DISTRICT PARTICIPATING IN THE PILOT PROJECT.
2. AN ACT TO AMEND THE APPOINTMENT OF THE COMMISSION ON INDIGENT DEFENSE SERVICES.

ADDITIONAL RECOMMENDATIONS:

The Committee recommends that the General Assembly do the following:

1. Maintain a Commission on Indigent Defense Services that is directly accountable to the General Assembly, and that has primary responsibility and authority over the delivery of indigent representation and management of the indigent defense budget, by modifying the provisions of G.S. 7A-498.2(e) as follows:
"(e) The Director of the Administrative Office of the Courts may modify the budget of the Office of Indigent Defense Services and may use funds appropriated to the Office ~~without the approval of the Commission or the Office of Indigent Defense Services~~ only after direct consultation with a quorum of the Commission."
2. Allow the Office of Indigent Defense Services to assess the need for new satellite offices to handle potentially capital cases at the trial level, to be staffed by full-time assistant capital defenders and appropriate support staff, in areas in which the use of salaried attorneys will ensure that effective representation is provided in a cost-effective manner. The Office should consider the addition of capital defenders to existing public defender offices before the creation of separate satellite offices.
3. Require the Office of Indigent Defense Services (IDS), as part of its annual report to the General Assembly, to provide data regarding the determination to create any new satellite offices, including the counties to be served by the offices, the number of attorney appointments made in the counties served in the past three fiscal years, and the current number of eligible private counsel and local public defenders who are available in those counties.

4. Direct IDS and the Conference of District Attorneys to consult and determine what changes can be made to the current system of identifying, from the pool of cases in which a defendant is charged with first-degree or undesignated murder, those that merit the cost of a capital prosecution and defense, what steps can be taken to facilitate the appointment of local counsel in most cases, and to make any recommendations for potential changes. Any recommendations shall be made in time for consideration by the General Assembly during the 2017 legislative session.
5. Consider the establishment of regional public defenders offices to assist in alleviating scheduling conflicts resulting from appointed attorneys being appointed to cases in multiple jurisdictions.
6. Expand pre-trial programs, diversion programs, and mediation to help alleviate climbing caseloads, aging cases, and increasing costs.
7. Require IDS to collect data on the total final costs of capital and potentially capital cases in addition to the fee application information.
8. Improve the pay rate for assistant public defenders, private assigned counsel, and assistant district attorneys.
9. Increase the effectiveness of the North Carolina Innocence Inquiry Commission (NCIIC) by narrowing offenses for direct inmate applications to homicide, robbery, and sex offenses, but allowing referrals by attorneys and agencies for all felonies.
10. Increase transparency and judicial efficiency by providing *confidential* case status updates to the district attorney, appointed counsel and referring counsel, if any, every six months for all cases in formal review by the NCIIC. This will ensure the defense and prosecution are making informed decisions regarding the possibility for relief and considering the most efficient and effective way to address the issues presented, if any.
11. Require that when a case is moved to formal inquiry and a defendant has informed the NCIIC that he/she would like a specific attorney with existing knowledge of the case to represent them, the Director must inform Indigent Defense Services of that request for consideration.
12. Increase judicial efficiency and effectiveness by providing that cases before the NCIIC can by-pass the eight member panel if the district attorney and appointed counsel consent to a finding of “sufficient evidence to merit judicial review” based on information provided during confidential case updates.
13. Provide the district attorney and the defendant notice and an opportunity to be heard before protective orders are used by the NCIIC.
14. Establish reporting of the NCIIC staff to the AOC Director to ensure separation and independence of administrative and adjudicative functions.
15. Require that when one co-defendant applies to the NCIIC, each co-defendant must have his or her case simultaneously investigated with their co-defendant case(s) or waive the

right to future application. Allow exceptions with good cause shown and approval of the Commission Chair.

16. Encourage all judicial districts to enter into a memorandum of agreement adopting the recommendations of the State Crime Laboratory Working Group on Administrative Solutions to Alleviate Lab Backlog.
17. Require the Department of Public Safety to study whether certified probation and parole officers should be allowed to take home State-assigned vehicles and report to the 2017 Joint Legislative Committee on Justice and Public Safety Oversight. The report should include IRS policies regarding the classification of probation and parole vehicles for potential tax purposes.
18. Recommend that the Governor's Crime Commission should encourage the use of GangNet by law enforcement agencies receiving grants intended for gang related law enforcement purposes.
19. Recommend that the North Carolina Courts Commission or other appropriate committee study the laws related to criminal discovery to determine if there are constitutional methods of providing additional protection for victims and witnesses and their personal information.
20. Direct the North Carolina Justice Academy to develop and make available to law enforcement officers an online training course on social media, with guidance on steps an individual law enforcement officer can take to protect his or her personal information.
21. Recommend the study of the child pornography laws as they relate to teen sexting.

COMMITTEE MEMBERSHIP

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2015-2016

President Pro Tempore of the Senate
Appointments:

Sen. Shirley B. Randleman (Co-Chair)

Sen. Stan Bingham
Sen. Harry Brown
Sen. Angela R. Bryant
Sen. Warren Daniel
Sen. Jeff Jackson
Sen. Michael V. Lee
Sen. E. S. (Buck) Newton
Sen. Gladys A. Robinson
Sen. Dan Soucek
Sen. Andy Wells

Speaker of the House of Representatives
Appointments:

Rep. James L. Boles, Jr. (Co-Chair),
Rep. Pat B. Hurley (Co-Chair)

Rep. Justin P. Burr
Rep. N. Leo Daughtry
Rep. John Faircloth
Rep. George Graham
Rep. Charles Graham
Rep. Darren G. Jackson
Rep. Allen McNeill
Rep. Sarah Stevens
Rep. Rena W. Turner
Rep. Jonathan C. Jordan (Advisory Member)
Rep. William O. Richardson (Advisory Member)
Rep. Michael Speciale (Advisory Member)
Rep. Lee Zachary (Advisory Member)

COMMITTEE CHARGE/STATUTORY AUTHORITY

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Article 12J.

Joint Legislative Oversight Committee on Justice and Public Safety.

§ 120-70.93. Creation and membership of Joint Legislative Oversight Committee on Justice and Public Safety.

The Joint Legislative Oversight Committee on Justice and Public Safety is established. The Committee consists of 22 members as follows:

- (1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least three of whom are members of the minority party; and
- (2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1995 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

§ 120-70.94. Purpose and powers of Committee.

(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. In this examination, the Committee shall:

- (1) Study the budget, programs, and policies of the Department of Public Safety to determine ways in which the General Assembly may improve the effectiveness of the Department.
- (2) Examine the effectiveness of the Division of Adult Correction of the Department of Public Safety in implementing the public policy stated in G.S. 148-26 of providing work assignments and employment for inmates as a means of reducing the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

- (2a) Examine the effectiveness of the Department of Public Safety in implementing the duties and responsibilities charged to the Department in G.S. 143B-601(1) through (9) and the overall effectiveness and efficiency of law enforcement in the State.
- (2b) Examine the effectiveness of the Division of Juvenile Justice of the Department of Public Safety in implementing the duties and responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B of the General Statutes and the overall effectiveness and efficiency of the juvenile justice system in the State.
- (3) Recodified as subdivision (a)(13) by Session Laws 2011-291, s. 1.4(c), effective June 24, 2011.
- (3a) Study and evaluate the funding sources and needs of domestic violence programs providing services to domestic violence victims and programs providing treatment to domestic violence abusers.
- (4) Study legal services funding for domestic violence victims and explore additional sources of funding.
- (5) Explore sources of additional funding for all domestic violence programs, including visitation centers.
- (6) Examine current programs and explore new programs to provide effective services to domestic violence victims and treatment to domestic violence abusers.
- (7) Examine law enforcement and judicial responses to domestic violence.
- (8) Review data collected on domestic violence cases pursuant to G.S. 15A-1382.1.
- (9) Study the effectiveness of the Crime Victims Rights Act as it relates to domestic violence.
- (10) Study the needs of juveniles. This study may include, but is not limited to:
 - a. Determining the adequacy and appropriateness of services:
 - 1. To children and youth receiving child welfare services;
 - 2. To children and youth in the juvenile court system;
 - 3. Provided by the Division of Social Services of the Department of Health and Human Services and the Division of Juvenile Justice of the Department of Public Safety;
 - 4. To children and youth served by the Mental Health, Developmental Disabilities, and Substance Abuse Services system.
 - b. Developing methods for identifying and providing services to children and youth not receiving but in need of child welfare services, children and youth at risk of entering the juvenile court system, and children and youth exposed to domestic violence situations.
 - c. Identifying obstacles to ensuring that children who are in secure or nonsecure custody are placed in safe and permanent homes within a reasonable period of time and recommending strategies for overcoming those obstacles. The Commission shall consider what, if anything, can be done to expedite the adjudication and

appeal of abuse and neglect charges against parents so that decisions may be made about the safe and permanent placement of their children as quickly as possible.

- (11) Evaluate problems associated with juveniles who are beyond the disciplinary control of their parents, including juveniles who are runaways, and develop solutions for addressing the problems of those juveniles.
- (12) Identify strategies for the development and funding of a comprehensive statewide database relating to children and youth to facilitate State agency planning for delivery of services to children and youth.
- (13) Study any other matter that the Committee considers necessary.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

§ 120-70.95. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Oversight Committee on Justice and Public Safety. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is nine members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

LEGISLATIVE PROPOSALS

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LEGISLATIVE PROPOSAL #1

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

U

D

BILL DRAFT 2015-MS-7 [v.10] (02/11)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Uniform Fee Schedule for IDS Pilot Program.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS, IN
3 CONJUNCTION WITH THE OFFICE OF INDIGENT DEFENSE SERVICES
4 AND CERTAIN JUDICIAL DISTRICTS, TO DEVELOP AND IMPLEMENT A
5 PILOT PROJECT TO ESTABLISH A UNIFORM FEE SCHEDULE FOR THE
6 PAYMENT OF ATTORNEY FEES FOR REPRESENTATION OF INDIGENT
7 PERSONS THAT PROVIDES THE FUNDS NECESSARY TO COVER THE
8 COST OF LEGAL REPRESENTATION FOR INDIGENT PERSONS IN THE
9 JUDICIAL DISTRICTS PARTICIPATING IN THE PILOT PROJECT.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Pilot Project. – The Administrative Office of the Courts, in
12 conjunction with the Office of Indigent Defense Services and the chief district court
13 judges and judicial district bars of certain selected judicial districts, shall establish and
14 implement a pilot project to establish a uniform fee schedule for the payment of attorney
15 fees for legal representation of indigent persons in district court. The purpose of the
16 project is to create a uniform fee schedule that: (i) provides the funding necessary to
17 cover the cost of legal representation of indigent persons and (ii) may be used as a
18 standard to compare and evaluate attorney fees paid for the representation of persons in
19 district court in any of the legal actions or proceedings listed in G.S. 7A-451(a).

20 **SECTION 2.** Sites. – The Administrative Office of the Courts shall, after
21 consultation with the Office of Indigent Defense Services, select one or more counties
22 in at least six judicial districts in which to implement the pilot project. Two of those

1 counties shall have small case-loads in district court; two shall have medium case-loads
2 in district court; and two shall have large case-loads in district court. Any judicial
3 district selected by the Administrative Office of the Courts must participate in the pilot
4 project. The following districts shall not be selected as sites for the implementation of
5 the pilot project: District 10, District 18, and District 26.

6 **SECTION 3.** Criteria. – The Administrative Office of the Courts shall
7 consult with and collaborate with the Office of Indigent Defense Services and with the
8 chief district court judges and district bar of each of the judicial districts selected to
9 participate in the pilot project when developing the fee schedule and the plan for its
10 implementation. All of the following criteria should be considered and addressed when
11 developing the fee schedule:

- 12 (1) The amount required to cover the full cost of providing adequate legal
13 services and representation to indigent persons.
- 14 (2) The procedure for and time-frame within which attorney fees shall be
15 awarded.
- 16 (3) A methodology, to be implemented as part of the pilot project, that
17 provides for review of the uniform fee schedule at least every
18 biennium and that incorporates appropriate increases in the uniform
19 fee schedule based on the information from the review.
- 20 (4) Any other criteria deemed relevant by the Administrative Office of the
21 Courts.

22 **SECTION 4.** Time-frame. – The Administrative Office of the Courts shall
23 select one or more counties in at least six judicial districts to participate in the pilot
24 project by February 1, 2017. The Administrative Office of the Courts shall complete the
25 development of the fee schedule for the pilot project by March 1, 2017. The
26 Administrative Office of the Courts, the Office of Indigent Defense Services, and the
27 selected judicial districts shall begin implementation of the pilot project within district
28 court of each judicial district by April 1, 2017.

29 **SECTION 5.** Report. – The Administrative Office of the Courts shall report
30 by May 1, 2017 to the chairs of the Joint Legislative Oversight Committee on Justice
31 and Public Safety on the status of the six judicial districts selected and the fee schedule
32 developed. The Administrative Office of the Courts shall report on the results of the
33 pilot project to the chairs of the Joint Legislative Oversight Committee on Justice and
34 Public Safety by March 15, 2018. The Administrative Office of the Courts shall
35 continue to monitor the pilot project after making its initial report and shall report by
36 March 15 every two years thereafter on its findings and any recommendations regarding
37 the pilot projects to the chairs of the Joint Legislative Oversight Committee on Justice
38 and Public Safety.

39 **SECTION 6.** Effective date. – This act is effective when it becomes law.
40

LEGISLATIVE PROPOSAL #2

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

U

D

BILL DRAFT 2015-SA-18 [v.4] (02/26)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
03/09/2016 12:13:20 PM**

Short Title: Indigent Defense Changes.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE APPOINTMENT OF THE COMMISSION ON
3 INDIGENT DEFENSE SERVICES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7A-498.4 reads as rewritten:

6 **"§ 7A-498.4. Establishment of Commission on Indigent Defense Services.**

7 (a) The Commission on Indigent Defense Services is created within the
8 Office of Indigent Defense Services and shall consist of 13 members. To create an
9 effective working group, assure continuity, and achieve staggered terms, the
10 Commission shall be appointed as provided in this section.

11 (b) The members of the Commission shall be appointed as follows:

12 (1) The Chief Justice of the North Carolina Supreme Court shall
13 appoint one member, who shall be an active or former ~~member of~~
14 ~~the North Carolina judiciary superior court judge, one member,~~
15 ~~who shall be an active or former district court judge, and shall~~
16 ~~additionally appoint the Director of the Administrative Office of~~
17 ~~the Courts as a member of the Commission. The Director of the~~
18 ~~Administrative Office of the Courts may designate an employee~~
19 ~~of the Administrative Office of the Courts to serve as his or her~~
20 ~~designee on the Commission.~~

21 (2) The Governor shall appoint ~~one member, whotwo members, at~~
22 ~~least one of whom~~ shall be a nonattorney.

23 (3) The General Assembly shall appoint ~~one member,three members,~~
24 ~~who shall be an attorney,attorneys,~~ upon the recommendation of
25 the President Pro Tempore of the Senate. ~~In addition, one of the~~
26 ~~three members shall be appointed based upon the~~

1 recommendation of the North Carolina Public Defenders
2 Association.

3 (4) The General Assembly shall appoint ~~one member,~~three members,
4 who shall be ~~an attorney,~~attorneys, upon the recommendation of
5 the Speaker of the House of Representatives. In addition, one of
6 the three members shall be appointed based upon the
7 recommendation of the North Carolina Advocates for Justice.

8 ~~(5) The North Carolina Public Defenders Association shall appoint~~
9 ~~member, who shall be an attorney.~~

10 ~~(6)(5)~~ The North Carolina State Bar shall appoint one member, who
11 shall be an attorney.

12 ~~(7)(6)~~ The North Carolina Bar Association shall appoint one member,
13 who shall be an attorney.

14 ~~(8) The North Carolina Academy of Trial Lawyers shall appoint one~~
15 ~~member, who shall be an attorney.~~

16 ~~(9) The North Carolina Association of Black Lawyers shall appoint~~
17 ~~one member, who shall be an attorney.~~

18 ~~(10) The North Carolina Association of Women Lawyers shall~~
19 ~~appoint one member, who shall be an attorney.~~

20 ~~(11) The Commission shall appoint three members, who shall reside~~
21 ~~in different judicial districts from one another. One appointee~~
22 ~~shall be a nonattorney, and one appointee may be an active~~
23 ~~member of the North Carolina judiciary. One appointee shall be~~
24 ~~Native American. The initial three members satisfying this~~
25 ~~subdivision shall be appointed as provided in subsection (k) of~~
26 ~~this section.~~

27 (c) The terms of members appointed pursuant to subsection (b) of this
28 section shall be as follows:

29 ~~(1) The initial appointments by the Chief Justice, the Governor, and the~~
30 ~~General Assembly shall be for four years.~~

31 ~~(2) The initial appointments by the Public Defenders Association and State~~
32 ~~Bar, and one appointment by the Commission, shall be for three years.~~

33 ~~(3) The initial appointments by the Bar Association and Trial Academy, and~~
34 ~~one appointment by the Commission, shall be for two years.~~

35 ~~(4) The initial appointments by the Black Lawyers Association and Women~~
36 ~~Lawyers Association, and one appointment by the Commission, shall be for one~~
37 ~~year.~~

38 At the expiration of these initial terms, appointments shall be for four years and
39 shall be made by the appointing authorities designated in subsection (b) of this
40 section. No person other than the Director of the Administrative Office of the
41 Courts shall serve more than two consecutive four-year terms plus any initial term
42 of less than four years.

1 (d) Persons appointed to the Commission shall have significant experience
2 in the defense of criminal or other cases subject to this Article or shall have
3 demonstrated a strong commitment to quality representation in indigent defense
4 matters. No active prosecutors or law enforcement officials, or active employees
5 of such persons, may be appointed to or serve on the Commission. No active
6 judicial officials, or active employees of such persons, may be appointed to or
7 serve on the Commission, except as provided in subsection (b) of this section. No
8 active public defenders, active employees of public defenders, or other active
9 employees of the Office of Indigent Defense Services may be appointed to or
10 serve on the Commission, except that notwithstanding this subsection, G.S.
11 14-234, or any other provision of law, Commission members may include
12 part-time public defenders employed by the Office of Indigent Defense Services
13 and may include persons, or employees of persons or organizations, who provide
14 legal services subject to this Article as contractors or appointed attorneys.

15 (e) All members of the Commission are entitled to vote on any matters
16 coming before the Commission unless otherwise provided by rules adopted by the
17 Commission concerning voting on matters in which a member has, or appears to
18 have, a financial or other personal interest.

19 (f) Each member of the Commission shall serve until a successor in office
20 has been appointed. Vacancies shall be filled by appointment by the appointing
21 authority for the unexpired term. Removal of Commission members shall be in
22 accordance with policies and procedures adopted by the Commission.

23 (g) A quorum for purposes of conducting Commission business shall be a
24 majority of the members of the Commission.

25 (h) The Commission shall elect a Commission chair from the members of
26 the Commission for a term of two years.

27 (i) The Director of Indigent Defense Services shall attend all Commission
28 meetings except those relating to removal or reappointment of the Director or
29 allegations of misconduct by the Director. The Director shall not vote on any
30 matter decided by the Commission.

31 (j) Commission members shall not receive compensation but are entitled to
32 be paid necessary subsistence and travel expenses in accordance with G.S. 138-5
33 and G.S. 138-6 as applicable.

34 (k) The Commission shall hold its first meeting no later than September 15,
35 2000. All appointments to the Commission specified in subdivisions (1) through
36 (10) of subsection (b) of this section shall be made by the appointing authorities by
37 September 1, 2000. The appointee of the Chief Justice shall convene the first
38 meeting. No later than 30 days after its first meeting, the Commission shall make
39 the appointments specified in subdivision (11) of subsection (b) of this section and
40 shall elect its chair."

41 **SECTION 2.** Persons who are members of the Commission on
42 Indigent Defense Services on the effective date of this act, shall continue to serve
43 as members until the completion of the term for which they have been appointed.

1 Upon the expiration of a term, or a vacancy occurring prior to the completion of a
2 term, in an appointment made by an authority no longer authorized to make
3 appointment, the appointment shall be made as follows:

4 (a) For the member appointed by the North Carolina Association of Black
5 Lawyers whose term expires in 2017, the appointment shall be made by the
6 General Assembly upon the recommendation of the Speaker of the House of
7 Representatives.

8 (b) For the member appointed by the North Carolina Association of Women
9 Attorneys whose term expires in 2017, the appointment shall be made by the
10 General Assembly upon the recommendation of the President Pro Tempore of the
11 Senate.

12 (c) For the member appointed by the Indigent Defense Commission whose
13 term expires in 2017, the appointment shall be made by the Chief Justice of the
14 North Carolina Supreme Court and shall be the appointment of the Administrative
15 Director of the Courts.

16 (d) For the member appointed by the North Carolina Advocates for Justice,
17 formerly known as the North Carolina Academy of Trial Lawyers, whose term
18 expires in 2018, the appointment shall be made by the General Assembly upon the
19 recommendation of the Speaker of the House of Representatives.

20 (e) For the member appointed by the Indigent Defense Commission whose
21 term expires in 2018, the appointment shall be made by the Chief Justice of the
22 North Carolina Supreme Court.

23 (f) For the member appointed by the North Carolina Public Defenders
24 Association whose term expires in 2019, the appointment shall be made by the
25 General Assembly upon the recommendation of the President Pro Tempore of the
26 Senate.

27 (g) For the member appointed by the Indigent Defense Commission whose
28 term expires in 2019, the appointment shall be made by the Governor.

29 **SECTION 3.** This act becomes effective January 1, 2017.